

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

DEC 28 2017

Clerk, U S District Court
District Of Montana
Billings

JERRI JOETTE TILLET,

Plaintiff,

vs.

BUREAU OF LAND
MANAGEMENT, INTERIOR
BOARD OF LANDS APPEALS, and
DEPARTMENT OF THE INTERIOR

Defendants.

CV 16-148-BLG-SPW

ORDER ADOPTING
FINDINGS AND
RECOMMENDATIONS

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendations filed on December 5, 2017. (Doc. 48).

Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of Judge Cavan's Findings and Recommendations. No objections were filed. When neither party objects, this Court reviews Judge Cavan's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Cavan committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by United States Magistrate Judge Cavan (Doc. 48) are ADOPTED IN FULL.


IT IS FURTHER ORDERED that the Defendants' Motion for Summary Judgment (Doc. 25) is DENIED and Plaintiff Tillet's Motion for Summary Judgment (Doc. 28) is GRANTED with respect to the Revised EA's discussion of the special status species Peregrine Falcon and Shoshone Carrot;

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (Doc. 25) is GRANTED, and Tillet's Motion for Summary Judgment (Doc. 28) is DENIED, in all other respects.

IT IS FURTHER ORDERED that Defendants' decisions regarding impacts on the special status species Peregrine Falcon and Shoshone Carrot in the Revised Environmental Assessment is VACATED and the matter is REMANDED to the Bureau of Land Management for further proceedings consistent herewith.

IT IS FURTHER ORDERED that Defendants' Motion to Strike Plaintiff's Statement of Undisputed Facts (Doc. 34) is DENIED as moot.

DATED this 28th day of December, 2017.


SUSAN P. WATTERS
United States District Judge